

**MINUTES**

**OF THE**

**AUGUST 15, 2019 REGULAR BUSINESS MEETING**



**OF THE**

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

## **STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 15, 2018 at 4:02 p.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

### **MINUTES OF THE AUGUST 15, 2019 REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2<sup>nd</sup> floor, Oklahoma City, Oklahoma, on August 15, 2019.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Sarah Greenwalt McMurray, WCC; Dana Esparza, WCC; Collin Fowler, WCC; Eric Russell, WCC; Andrea Delling, WCC; and James Lawson, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

#### **1. Approval of Minutes**

The drafted minutes of the August 6, 2019 public meeting of the Commission were considered for approval.

**Motion:** Commissioner Tilly moved to approve the minutes of the August 6, 2019 public meeting.

**Second:** Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

#### **2. Discussion and Consideration of Reducing the Security Deposit of AT&T Corp., a Former Own Risk Employer, Permit #00325**

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released

at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission considered reducing the security deposit of AT&T Corp.

James Lawson was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

**Motion:** Commissioner Tilly moved to approve the reduction of the security deposit of AT&T Corp. as presented.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**3. Discussion and Consideration of Approving Distribution of Surplus Monies to the Members of Oklahoma Automobile Dealers Self-Insurers Fund #75088)**

Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents. The Commission considered approving the distribution of surplus monies to members of the Oklahoma Automobile Dealers Self-Insurers Fund.

James Lawson was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

**Motion:** Commissioner Russell moved to approve the reduction of the security deposit of Oklahoma Automobile Dealers as presented.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**4. Discussion and Consideration of Approving Distribution of Surplus Monies to Members of the Metropolitan Health Care Self-Insurers Fund (#75220)**

Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request to the Commission, with all supporting documents. The Commission considered approving the distribution of surplus monies to members of the Metropolitan Health Care Self-Insurers Fund.

James Lawson was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

**Motion:** Commissioner Tilly moved to approve the reduction of the security deposit of Metropolitan Health Care as presented.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**5. Discussion and Consideration of Requesting an Audit of the Commission by the Office of the State Auditor and Inspector**

The Commission considered requesting a performance audit in accordance with 74 O.S. § 213.2. The audit will provide the Commission with an independent evaluation of the performance, management, and expenditures of the Commission.

Andrea Delling was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

**Motion:** Commissioner Russell moved to request the performance audit, required by statute.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**6. Discussion and Consideration of Continuation of the Contract between the Commission and Applied Computer Systems, Inc. for Maintenance Services of the WCIS Data System for Fiscal Year 2020**

The Commission discussed and considered approving the continuation of a sole source contract with Applied Computer Systems, Inc. for maintenance services of the WCIS data system for FY-2020. The cost of the contract is \$91,851.57.

Andrea Delling was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

***Motion:*** Commissioner Tilly moved to approve the contract between the Commission and Applied Computer Systems, Inc., pending Secretary of State approval, as presented.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

***The motion carried.***

**7. Consent Agenda for Travel Vouchers Currently Outstanding**

85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

***Motion:*** Commissioner Tilly moved to approve the consent agenda, as presented.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

***The motion carried.***

**8. Discussion and Consideration of Current Commission Policies**

The Commission discussed and considered adopting and/or modifying the following policy:

- a) WCC-865 – Progressive Discipline Policy

**Motion:** Commissioner Tilly moved to rescind the WCC-865-Progressive Discipline Policy.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**9. Discussion and Consideration Regarding Memorandum of Understanding with the Court of Existing Claims**

The Commission discussed entering into a Memorandum of Understanding governing the Tulsa office space with the Court of Existing Claims to effectuate provisions of House Bill 2367.

Sarah Greenwalt McMurray was recognized, reported, and responded to questions of the Commissioners.

**Motion:** Commissioner Tilly moved to approve the most recent draft of the MOU as presented.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**10. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) and (B)(4)**

1. The Commission will discuss the employment evaluation, promotion, salary or performance of each of the following Commission personnel:
  - (A) Compliance Investigator Ray Andrews.

2. The Commission will discuss a pending action under 25 O.S. § 307(B)(4) to draft a Memorandum of Understanding governing records storage with the Court of Existing Claims to effectuate provisions of House Bill 2367.

**A. Motion and Vote to enter into Executive Session.**

**Motion:** Commissioner Tilly moved to enter into Executive Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**B. Motion and Vote to Reconvene in Open Session.**

**Motion:** Commissioner Tilly moved to reconvene into Open Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**14. Announcements**

The Commission's next special appeals meeting is on Friday, August 23, 2019. The Commission's next special business meeting is on Thursday, September 5, 2019.

**ADJOURNMENT.....Chairman Mark Liotta**

**Motion:** Commissioner Tilly moved to adjourn.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried. The meeting adjourned.**